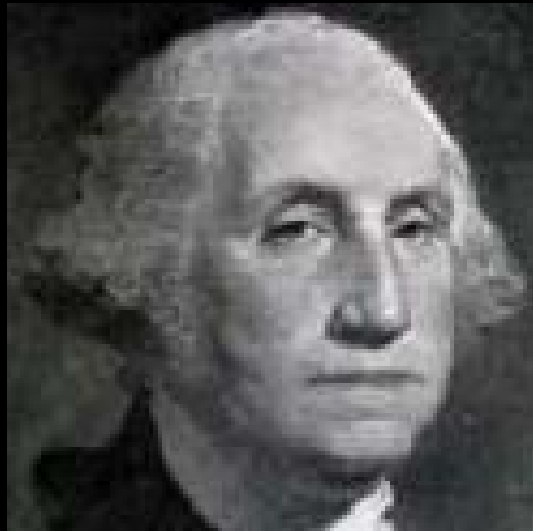


*"The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive veterans of earlier wars were treated and appreciated by this country."*



*George Washington  
1789*

# **SUMMARY OF ENTITLEMENTS FOR VETERANS AND SURVIVORS OF THE WAR IN IRAQ AND AFGANISTAN**

**Special Thanks to:  
The Veterans Service Office of El Dorado County**

**March 2008**

# BASIC SERVICE ELIGIBILITY



**For service after October 15, 1981, a minimum of 24 months of active duty or the full period for which a person was called to active duty will qualify as will lesser periods provided service member was discharged due to...**



**Disability incurred in line of duty**

**Persons who have a compensable  
service connected disability**

**Early out**

**Hardship**



**Service member must have been  
discharged under honorable conditions.**

**38 CFR 3.12(a)**

Generally speaking, members of the Reserves and National Guard who serve the full period for which they were activated have the same entitlements as those members of the "regular" armed forces who have completed a minimum of 2 years of active military service.



# Exceptions

## Education entitlements



Other benefits with their own length of service requirements. For example, NSC pension requires 90 days of continuous active service.

Minimum active duty requirements do not apply to any SC disability or death benefit, or to any other benefit flowing therefrom (Normism).



# MEDICAL CARE





**Title 38, United States Code (U.S.C.), Section 1710(e)(1)(D) authorizes the Department of Veterans Affairs (VA) to furnish needed hospital care, medical services, and nursing home care to combat veterans...**





...who served in combat during a period of war after the Gulf War or against a hostile force during a period of hostilities after November 11, 1998, for 5 years after discharge from the military for any illness...

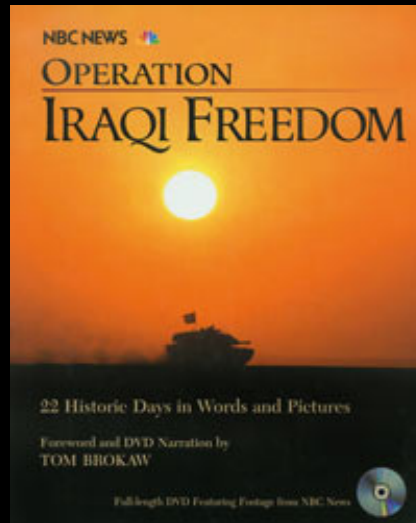
**EXCEPT THOSE WHICH VHA FINDS RESULTED FROM  
A CAUSE OTHER THAN SUCH COMBAT SERVICE!**



**© KURT JONES 2003**

**After the five-year period is up, the veteran will be moved to the appropriate enrollment priority group (as are non-combat theater veterans) and co-pay category based upon their income and other eligibility factors.**





**If their finances place them in Priority Group 8, co-payment required status they will be "grand fathered" into a PG8a or PG8c, and their enrollment in VA will be continued.**



# WHAT IS COVERED?





Generally speaking, only dental treatment, sensory-neural prosthetics, and payment for treatment outside the VA **are restricted** (as well as nursing care for non-combat veterans) however:

**Dental treatment is authorized if item 17 of the veteran's DD Form 214 is marked "no" and the dental application (10-10EZ) is received by VA within 180 days of separation.**



**Treatment outside the VA may be authorized for any veteran if he or she meets all the following “Mill Bill” criteria:**

**A medical emergency exists and,**

**VA Facilities are not available and,**

**Veteran is enrolled at a VA Medical Facility and,**

**Veteran is vested at a VA Medical Facility and,**

**Veteran has no other health insurance and,**

**VA is notified within 72 hours of admission.**

**Also, during the 5-year combat veteran eligibility period...**



**Prescription Services are covered with no co-pay**



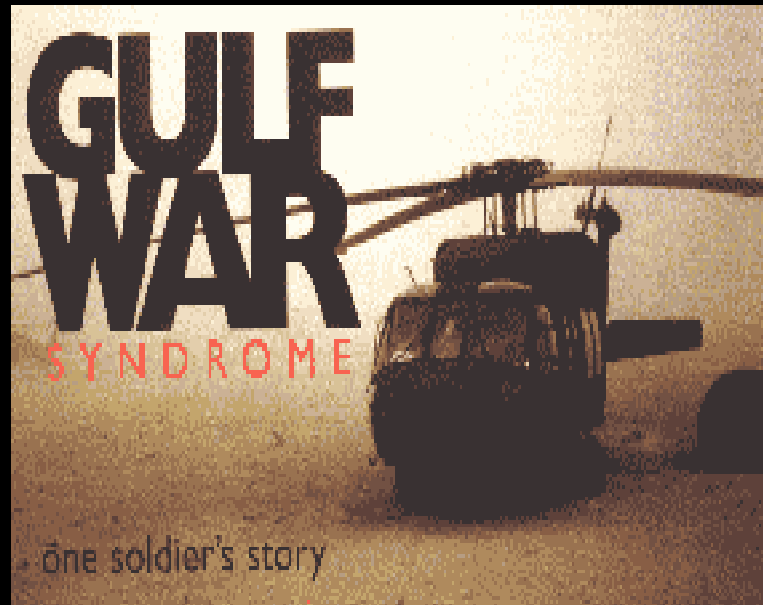
**Prosthetics are covered including HISA, the Home Improvement Structural Alterations grant of \$4,100 for adjudicated service connected conditions and \$1,200 for NSC conditions.**

# COMPENSATION FOR DISABILITIES



# Types of Claims:

- Direct
- Secondary
- Aggravation
- 1151 (Medical or Voc Rehab)
- Chronic presumptive  
[38 CFR 3.307 and 3.309(a)]
- Gulf War Syndrome



**Until September 30, 2011, Gulf War Syndrome (undiagnosed illnesses) under the provisions of 38 CFR 3.317 are still applicable to veterans who served in Iraq or the Gulf, not Afghanistan.**

**All veterans who serve more than 90 consecutive days active service (as defined) are eligible for presumptions of Service Connection (SC) for chronic diseases under 38 CFR 3.307 and 3.309(a).**





# IMPORTANT!

**When filing claims for veterans who served in the National Guard or the Reserves...**



- **Include the complete name, address, phone number of their units on the application and...**

**IMPORTANT!**



**... In the case of National Guardsmen  
complete a VA Form 21-4142  
authorizing the release of National  
Guard records to the VA and ...**

**...Explain the VA comp offset from their drill pay to folks still in the active Reserves or National Guard.**



**(Other offsets may also apply to military retirees and DIC/SBP recipients.)**

**A reservist/guardsman receives one full day's duty pay for each 4-hour training assembly attended and 1 full day for each annual training day (1 drill weekend = 4 days training pay and 1 annual training day = 1 day training pay)**

**Offset is day-for-day,  
not dollar for dollar**



**A VA Form 21-8951-2 must be filed.**

# Compensation Rates

**VA pays compensation based upon degree of disability.**

**For current rates see  
<http://www.vba.va.gov>**



# SERVICE CONNECTED DISABLED VETERANS ENTITLEMENT CHECKLIST

(\* Requires loss or loss of use of one or more extremity)



## 0% RATING

**Health Care for SCDs**

**Clothing Allowance**

**Civil Service Preference**

**Tuition Fee Waiver ("B")**

**Special Monthly Compensation (SMC)\***

**HISA Grant**

**RH Insurance (if filed within 2 years  
from original rating)**



# 10% and 20% RATING

Golden Access Pass (Fed Parks)

Sensori-neural Prosthetics

Voc. Rehab (severe employment handicap)

Health Care (no treatment co-pay)

CRSC



# 30% RATING

**Additional Comp for Dependents  
Vocational Rehabilitation  
A&A for Dependents**



## 40% RATING

**Auto Allowance (one time)\***  
**Auto Adaptive Equipment\***

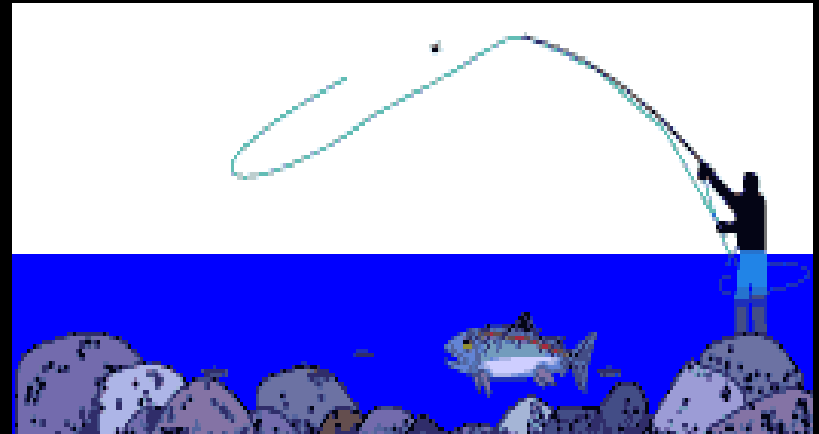


**Add'l Comp for Paired  
extremity/paired organ.**

# 50% RATING

**Basic Sport Hunting & Fishing License  
No Prescription Co-pay  
Concurrent Receipt  
State Park Permit \***

**\*The California state park pass requires that the veteran have a 50% disability incurred in wartime (or be a former POW). There is a one-time processing fee of \$3.50.)**





# 60% RATING

**Individual  
Unemployability (I.U.)**

**(Single disability or  
combinations described  
in 38 CFR 4.16)**

# 70%, 80%, and 90% RATING



**Skilled Nursing Care  
I.U. (two or more disabilities –  
one rated 40% or bilateral factor)**

# 100% RATING

**Military I.D. Cards**

**Dental Treatment**

**CHAMPVA for Dependents**

**SMC (above K)\***

**Specially Adapted Housing\***

**Ins. Premium Waiver**

**Cal Vet Disability Insurance**

**Property Tax Exemption**



# 100% RATING (Cont'd)



**DMV Fee Exemption**

**(Schedular with mobility impairment only)**

**Dependents Education (Chapt 35)**

**Civil Svc Preference for Spouse**

**Tuition Fee Waiver (Plan "A")**

**Social Security Benefits (SSA)**

# EDUCATION

## (Chapters 30, 1607, & 1606)



# Education

## (Chapter 30)

The "active duty" G.I. Bill requires a minimum 2 years active service. Eligibility may still be established if separated earlier due to:

Convenience of the government

Service connected disability

Hardship

Pre-existing disability

Conditions interfering with performance of duty

R.I.F.





# EDUCATION

## (Chapter 30 Cont'd)



**Keep in mind that Chapter 30 (with the exception of Category II) requires a non-refundable in-service contribution by the veteran. Chapter 30 institutional allowances are listed at:**

**[www.gibill.va.gov](http://www.gibill.va.gov)**

# **R.E.A.P**

## **(Chapter 1607)**

**For “activated reservists” basic chapter 1607 institutional allowance is 40% of the 3 year MGIB rate for consecutive active service of 90 days to less than 1 year, 60% for consecutive active service of more than 1 year, and 80% for consecutive service of 2 years or more or 3 years combined.**

# R.E.A.P

## (Chapter 1607 Continued)

**Veteran has 10 years to use program if discharged from Selected Reserve. 14 years if involuntarily separated from reserve due to deactivation. For veterans discharged from the IRR/ING, entitlement ends upon discharge.**

# R.E.A.P

(Chapter 1607 Misc.)

- Service need not be “continous”
- 36 month entitlement (48 when combined with other programs)
- Institutional, correspondence, OJT, flight training allowed
- Eligible members can buy add'l \$150/mos with \$600 buy in

# **MGIB-SR**

## **(Chapter 1606)**

**Chapter 1606 generally includes reservists who were not activated (for other than training purposes) in excess of 90 days.**

**Chapter 1606 allowances are listed at:**

**[www.gibill.va.gov](http://www.gibill.va.gov)**

**Reservists  
and National  
Guard who are  
activated for 24  
months or longer  
may qualify for  
Chapter 30 provided  
they elect to receive  
it and make the  
in-service contribution.**





# COUNSELING SERVICES



Re-adjustment counseling for veterans and their families and bereavement counseling for survivors is available.

(Contact local VA Vet Center)<sub>47</sub>

# VA HOME LOAN

- Negotiated based interest rate
- \$417,000 maximum

# CAL-VET HOME LOAN



Unrestricted Funds are  
available

Current interest rate is 5.45%

Maximum loan is \$521,250

Can be used with VA Guarantee

# **CAL-VET ELIGIBILITY**

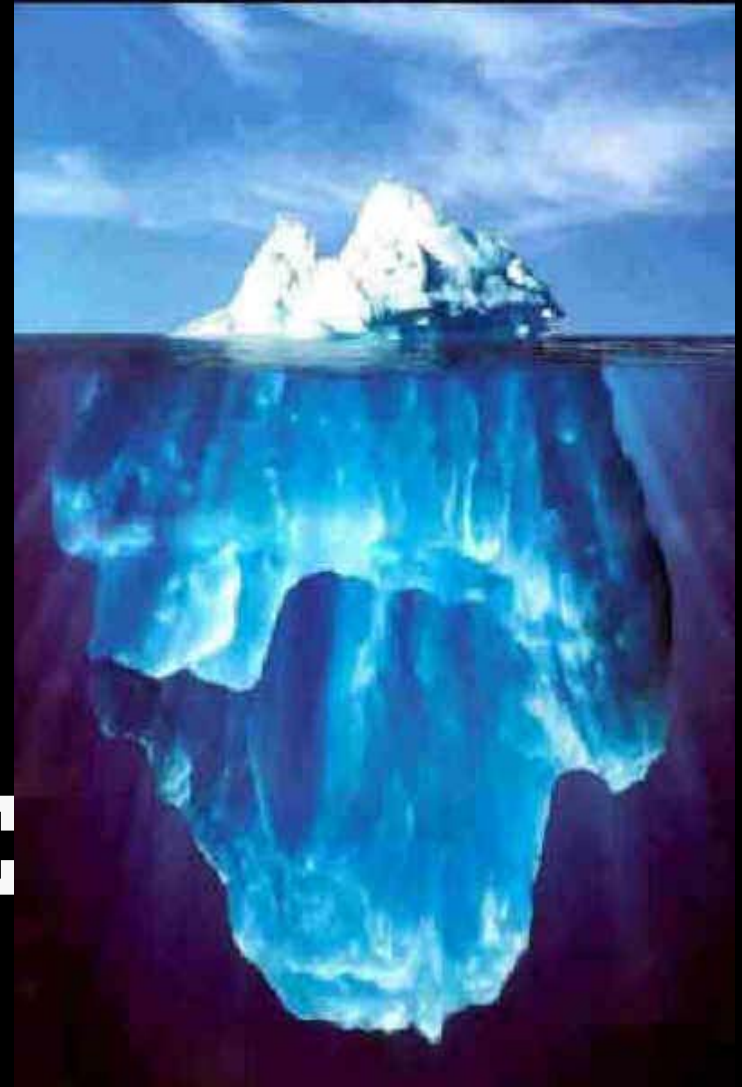
**Discharged Under  
Honorable Conditions**



**Peacetime or Wartime.**

**90 Days Active Duty (not for training purposes) or:  
Called to active duty by Presidential Executive  
Order, Discharged due to a service connected  
disability or, Received a campaign or expeditionary  
medal.**

# VETERANS GROUP LIFE INSURANCE



**VGLI provides a maximum of \$400,00 of group term life insurance and does not provide for disability or other supplementary benefits. VGLI has no cash, loan, paid-up or extended insurance values and does not pay dividends. VGLI (if renewed) is available for the life of the insured.**

# GULF WAR REGISTRY EXAM





# CIVIL SERVICE PREFERENCES



Federal

5 Points

10 Points for disabled veterans



State (California)

10 Points

15 Points for disabled veterans



County (Check with County Human Resources)

# EMPLOYMENT AND REEMPLOYMENT RIGHTS



## **YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT**

The rights listed here may vary depending on the circumstances. This notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.pdf>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying this notice where they customarily place notices for employees.



**U.S. Department of Labor  
1-866-487-2365**



EMPLOYER SUPPORT OF  
THE GUARD AND RESERVE

**1-800-336-4590**

Publication Date—February 2005

# EMPLOYMENT AND REEMPLOYMENT RIGHTS

## REEMPLOYMENT RIGHTS

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You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

# EMPLOYMENT AND REEMPLOYMENT RIGHTS

## HEALTH INSURANCE PROTECTION

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- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

# EMPLOYMENT AND REEMPLOYMENT RIGHTS

## RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

---

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you any of the following because of this status:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

# EMPLOYMENT AND REEMPLOYMENT RIGHTS

## ENFORCEMENT

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- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its **website at <http://www.dol.gov/vets>**. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, depending on the employer, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

## LEGAL ASSISTANCE

**Operation Enduring Lamp - A consortium of state and local bar associations committed to assist military legal assistance providers with civil law matters affecting service members.**

**<http://www.abanet.org/legal services /helpreservists/home.html>**



## OTHER ("ONE SOURCE") ASSISTANCE

**A web-based information service for active duty service members and their families providing service-specific information to guide those needing help to official agencies prepared to render assistance:**



**Military One Source  
1-800-342-9647**

# CALIFORNIA VETERANS HOME



(Must meet VHA eligibility criteria)

# **NON-SERVICE CONNECTED DISABILITY PENSION**



**For current pension rates see  
<http://www.vba.va.gov>**

# **BURIAL BENEFITS**

**Burial Allowance**

**Internment in National Cemetery**

**Burial at Sea**

**Headstone**

**Burial Flag**

**Military Honor Guard**

**Presidential Memorial Certificate**

# NON-SERVICE CONNECTED DEATH BENEFITS

**Life Insurance**  
**Veterans Last Check**  
**Death Pension**  
**SBP (if military retiree)**  
**Mortgage Insurance**  
**Tuition Fee Waiver (Plan "B")**



## **SERVICE CONNECTED DEATH BENEFITS**

**Dependents Indemnity Compensation (D.I.C.)**

**Enhanced DIC Allowance (8X8 year rule)**

**Chapter 35 Education Benefits**

**Property Tax Exemption**

**Civil Service Preference (Spouse & Mother)**

**Refund SBP Premiums**

**VA and Cal Vet Home Loan**

**Tuition Fee Waiver (Plans 'A' or 'B')**

**Military I.D. Card**

**CHAMPVA**



## **100% SCD DEATH BENEFITS WHERE DEATH NOT SERVICE CONNECTED**

**Presumptive DIC : 38 CFR 3.22**

**(If granted - refer to SC DEATH BENEFITS)**

**Property Tax Exemption**

**Chapter 35 Education Benefits**

**Tuition Fee Waiver (Plan 'B' for any rating)**

**CHAMPVA**

**NSC Burial Allowance**

**38 CFR 3.22 IS APPLICABLE**  
**WHEN VETERAN IS:**



**Rated by VA as totally disabling for a continuous period of at least 10 years immediately preceding death; or**

**Rated by VA as totally disabling continuously since the veteran's release from active duty and for at least 5 years immediately preceding death; or**

**Rated by VA as totally disabling for a continuous period of not less than one year immediately preceding death, if the veteran was a former prisoner of war who died after September 30, 1999**



# SURVIVORS ENTITLEMENTS

Internment in National Cemetery  
(If vet interred or plans to be  
interred)

